

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHV**

Plaintiffs in this lawsuit are indigent Mexican worker, who were victims of wage theft, discrimination, and retaliation. A majority of the Plaintiffs are members of the Mixteco indigenous group and speak Spanish as a second language. Plaintiffs' employers, Defendants Durrett Cheese Sales, Inc. ("Durrett Cheese") and Greg Durrett ("Durrett") (collectively, "the Durrett Defendants") repeatedly refused to pay Plaintiffs for numerous w

2. The Court has supplemental jurisdiction over related state law claims asserted herein pursuant to 28 U.S.C. § 1367. Supplemental jurisdiction is appropriate because Plaintiffs' state

6. Plaintiff Maria Remedios Cervantes-Cano is a Latina of Mexican national origin and, during all times relevant to this action, was a resident of Tennessee. She speaks Spanish as her primary language and has limited English proficiency. Plaintiff Cervantos-Cano was employed by Defendant Durrett Cheese and Defendant Durrett as a factory worker from approximately September 2007 through October 22, 2007. Plaintiff Cervantos-Cano asserts her Count I FLSA claim as authorized by 29 U.S.C. § 216(b). Maria Remedios Cervantes-Cano's consent to sue form is attached hereto as part of composite Exhibit 1.

7. Plaintiff Dalila Contreras-Martínez is a Latina of Mexican national origin and is a resident of Tennessee. She speaks Spanish as her primary language and has limited English proficiency. Plaintiff Contreras-Martínez was employed by Defendant Durrett Cheese a

9. Plaintiff

language and has limited Spanish and English proficiency. Plaintiff Moreno-Lopez was employed by Defendant Durrett Cheese and Defendant Durrett as a factory worker from approximately October 2006 through October 22, 2007. Plaintiff Moreno-Lopez asserts her Count I claim under the Fair Labor Standards Act as authorized by 29 U.S.C. § 216(b). Luciana Moreno-Lopez's consent to sue form is attached hereto as part of composite Exhibit 1.

13. Plaintiff Teresa Ayala-Rosales is a Latina of Mexican national origin and is a member of the Mixteco indigenous group. She is a resident of Tennessee.

21. At all relevant times during this action, Defendant Durrett Cheese employed the Plaintiffs within the meaning of 29 U.S.C. § 203(g).

22. At all relevant times to this action, Defendant Durrett Cheese was a “person” as

The Coffee County Defendants

30. Defendant Coffee County is a local government entity located in Tennessee.

31. At all times relevant to this action, Defendant Coffee County was a “person” within the meaning of 42 U.S.C. §§ 1983 and 1985.

32. During all times relevant to this action, Defendant Steve Graves served as Sheriff of Coffee County, Tennessee and resided in the Manchester, Tennessee area.

33. In his official capacity and at all times relevant to this action, Defendant Graves was the final policy maker on matters of law enforcement in Coffee County, including with respect to decisions to arrest and detain individuals, as well as decisions whether to refer arrested or detained individuals to the attention of ICE or other federal agencies.

34. At all relevant times to this action, Defendant Graves was a “person” as defined at 29 U.S.C. § 203(a) and was “any person” within the meaning of the anti-retaliation provisions of the FLSA as set forth at 29 U.S.C. § 215(a)(3).

35. At all times relevant to this action, Defendant Graves was a “person” within the meaning of 42 U.S.C. §§ 1983 and 1985.

36. During all times relevant to this action, Defendant Pam Freeman resided in the Manchester, Tennessee area, and served as a Captain of the Sheriff’s Department of Coffee County, Tennessee.

37. At all relevant times to this

39. During all times relevant to this action, Defendant Charles Jones resided in the Manchester, Tennessee area, and served as a deputy and/or investigating officer

47. At all times relevant to this action, Defendant Partin was a “person” within the meaning of 42 U.S.C. §§ 1983 and 1985.

IV. STATEMENT OF FACTS

48. Plaintiffs are Latino immigrants who come from impoverished regions of Mexico.

discriminatory and offensive names, such as “stupid Indians” and “donkeys.” Ms. Ramirez also made derogatory comments about Plaintiffs’ language and customs, among other things.

54. Ms. Ramirez’s repeated discriminatory and offensive statements resulted in an hostile and intimidating workplace environment that negatively impacted Plaintiffs employment conditions.

55. The Durrett Defendants frequently failed to timely pay Plaintiffs an average of the appropriate federal minimum wage for each hour of work they performed during each workweek

60. Plaintiffs regularly requested their unpaid wages throughout mid- and late August 2007 and September and October 2007, often approaching Ms. Ramirez in groups to inquire about their pay. Defendants Durrett Cheese and Durrett, acting through Ms. Ramirez, repeatedly refused to promptly pay Plaintiffs the wages owed them.

61. During some periods in mid

66. In response, Ms. Ramirez told Plaintiffs that they would not receive a paycheck until Defendant Durrett arrived. Ms. Ramirez de

72. Defenda

happen to their families and themselves. Plaintiffs were forced to sleep on mattresses in a crowded jail cel

84. Plaintiffs were detained at the Elizabeth Detention Center for approximately 9 hours until Plaintiffs' attorney secured their release.

85. During this their detention, Plaintiffs, many of whom are mothers of young children, were terrified that they might be summarily deported without an opportunity to say goodbye to their children and arrange for their care in their parents' absence.

86. The Coffee County Defendants conspired with the Durrett Defendants to deny Plaintiffs their civil rights because of their national origin and race by having them unlawfully arrested and detained.

87. Plaintiffs' race and/or national origin was a substantial motivating factor in the Durrett Defendants' decisions to threaten, fire, and secure the arrest and ICE apprehension of Plaintiffs.

88. At all relevant times, the Coffee County of t

92. As a result of Defendants' discriminatory and retaliatory measures, Plaintiffs have been deprived of their liberty, wrongfully charged with a crime, subjected to the extreme stress and expense of civil deportation proceedings, and faced the possibility that they may be removed from the United States. As a result of Defendants' conduct, Plaintiffs have suffered substantial damages, including emotional distress and mental anguish.

CLAIMS FOR RELIEF

COUNT I

RETALIATION IN VIOLATION OF THE FAIR LABOR STANDARDS ACT
(ALL DEFENDANTS)

93. Plaintiffs reallege and incorporate by reference all alle

a dispute over unpaid wages against Plaintiffs and arresting, detaining, and arranging for the ICE arrest and detention of Plaintiffs.

99. Defendants' actions as described above constitute unlawful retaliation prohibited by the plain language of the FLSA. 29 U.S.C. § 215 (a)(3).

100. Plaintiffs' rights under the FLSA to demand their unpaid wages

113. Plaintiffs' rights under 42 U.S.C. § 1981 to make and enf

collectively bargain with

138. Defendants knowingly, willfully, maliciously, intentionally, and without justification acted to deprive Plaintiffs and other class members of their rights.

144. Plaintiffs' rights to equal protection of the laws prohibiting unreasonable arrests and detentions and prohibiting retaliation and interference with their

intimidating and abusive work environmem

157.

Plaintiffs by conspiring with and/or permitting the Durrett Defendants to retaliate against the Plaintiffs for asserting their rights by misusing the criminal laws of Tennessee.

164. The Durrett Defendants' and the Coffee County Defendants' actions and/or inactions injured Plaintiffs

165. The Durrett Defendants' and the Coffee County Defendants' conduct has caused Plaintiff

- b. Appropriate injunctive and declaratory relief;
- c. Punitive damages in an amount to be determined at trial;
- d. Court costs, including discretionary costs;
- e. An award of reasonable attorneys' fees; and
- g. Such other relief as the Court may deem appropriate.

Respectfully submitted,

Mónica Ramirez
Pro Hac Vice Motion Pending
Florida State Bar No. 0711861
Kristi