



Plaintiffs Bizzie Walters, Annie Hodge, Annette Baldwin, Katrena Cooper and Barbara Allen, on behalf of themselves and all those similarly situated, by and through their undersigned attorneys, complain of the Defendants, Todd McMahan, Tol Dozier, Nancy Hollis, Alberto Asyn, Elana Asyn, Richard Jamison, Jim Hungate, Amparo Herrera, Maria Salizar Gonzalez, Jeff Beckman, Jerry Layne, David Castro, Angie Woods, Julio Unzueta, and Ploala Beatty (hereafter "Defendants")<sup>1</sup>, as follows, for damages caused to them by their violations of the Racketeer Influenced and Corrupt Organizations ("RICO") Act, and in support state the following:

---

<sup>1</sup> "Defendants" will hereafter refer to all the named Defendants in this Complaint. "Dothan Defendants" will hereafter refer to: Defendants Todd McMahan, Tol Dozier, Nancy Hollis, Alberto Asyn, and Elana Asyn, the named Defendants working at the Dothan Facility. "Perry Defendants" will hereafter refer to: Richard Jamison, Jim Hungate, Amparo Herrera, and Maria Salizar Gonzalez, the named Defendants working at the Perry Facility. "Monterey Defendants" will hereafter refer to: Jeff Beckman, Jerry Layne, David Castro, Angie Woods, Julio Unzueta, and Ploala Beatty, the named Defendants working at the Monterey Facility. "Corporate Co-Conspirators" will hereafter refer to the unnamed co-conspirators at Perdue's corporate Headquarters in Salisbury, Maryland, who Plaintiffs believe establish and approve of the hiring and wage setting policies that allow the sixteen (16) facilities to conduct the illegal hiring described herein. "Facility Co-Conspirators" will hereafter refer to the unnamed co-conspirators working in the management and Human Resource (hereafter "HR") offices at Perdue's other poultry processing facilities: the Accomac, Virginia facility; the Bridgewater, Virginia facility; the Concord, North Carolina facility; the Cromwell, Kentucky facility; the Dillon, South Carolina facility; the Fayetteville, North Carolina facility; the Georgetown, Delaware facility; the Lewistown, North Carolina facility; the Milford, Delaware facility; the Rockingham, North Carolina facility; the Salisbury, Maryland facility; the Showell, Maryland facility; and the Washington, Indiana facility. Based on the similarity of the hiring practices at Dothan, Perry, and Monterey, and based on Counsel's experiences in other similar cases, Plaintiffs contend that the same and similar hiring practices are utilized at each of the remaining Perdue poultry processing facilities as well. For these reasons, Plaintiffs have included allegations involving these Perdue facilities as well. Plaintiffs intend to amend their Complaint to specifically name the Facility Co-Conspirators and the Corporate Co-Conspirators.

## NATURE OF ACTION

1. This is a class action brought on behalf of all hourly-paid workers legally authorized to be employed in the United States who are or have been employed by Perdue Farms, Inc. (“Perdue”) since March 2006 (four years prior to the filing of this Complaint) at the sixteen poultry processing facilities identified in this Complaint.

2. Plaintiffs Bizzie Walters, Annie Hodge, Annette Baldwin, Katrena Cooper, and Barbara Allen (hereafter “Plaintiffs”), as representatives of the legal workers (hereafter “the Class”), allege that Defendants Todd McMahan, Tol Dozier, Nancy Hollis, Alberto Asyn, Elana Asyn, Richard Jamison, Jim Hungate, Amparo Herrera, Maria Salizar Gonzalez, Jeff Beckman, Jerry Layne, David Castro, Angie Woods, Julio Unzueta and Ploala Beatty have conspired to depress their wages by knowingly employing large numbers of illegal immigrants (likely more than 500 in the last four years alone) and by falsely attesting that these illegal immigrants presented genuine work authorization documentation/identification documents. This is referred to as “the Illegal Immigrant Hiring Scheme” or “the Scheme.”

3. On information and belief, the Defendants have conspired with others in Perdue's Headquarters in Salisbury, Maryland, and at its other processing facilities identified herein.

4. The Scheme is conducted and carried out at the following poultry processing facilities owned and operated by Perdue: Dothan, Alabama; Perry, Georgia; Monterey, Tennessee; Accomac, Virginia; Bridgewater, Virginia; Concord, North Carolina; Cromwell, Kentucky; Dillon, South Carolina; Fayetteville, North Carolina; Georgetown, Delaware; Lewistown, North Carolina; Milford, Delaware; Rockingham, North Carolina; Salisbury, Maryland; Showell, Maryland; and Washington, Indiana.

5. The Illegal Immigrant Hiring Scheme violates the Racketeer Influenced and Corrupt Organizations Act ("RICO"), 18 U.S.C. § 1961 *et seq.* It is perpetrated every day as an integral part of Perdue's regular manner of hiring and employment and will continue unabated, victimizing every legal worker, until halted by judicial intervention.

6. Perdue claims to be the third largest poultry processing company in the United States, with annual sales in excess of \$4.6 billion.

## PARTIES, JURISDICTION & VENUE

7. Plaintiff Bizzie Walters is a citizen of Alabama. She was legally authorized to be employed in the U.S. and was an employee at Perdue's Dothan Facility within the past four years.

8. Plaintiff Annie Hodge is a citizen of Alabama. She was legally authorized to be employed in the U.S. and was an employee at Perdue's Dothan Facility within the last four years.

9. Plaintiff Annette Baldwin is a citizen of Georgia. She was legally authorized to be employed in the U.S. and was an employee at Perdue's Perry Facility within the last four years.

10. Plaintiff Katrena Cooper is a citizen of Georgia. She was legally authorized to be employed in the U.S. and was an employee at Perdue's Perry Facility within the last four years.

11. Plaintiff Barbara Allen is a citizen of Tennessee. She was legally authorized to be employed in the U.S. and was an employee at Perdue's Monterey Facility within the last four years.

12. Defendant Todd McMahan is a citizen of Alabama. He is the Complex Manager of the Dothan Facility.

13. Defendant Tol Dozier is a citizen of Alabama. He is the HR Manager at the Dothan Facility.

14. Defendant Nancy Hollis is a citizen of Alabama. She is an HR clerk at the Dothan Facility.

15. Defendant Alberto Asyn is a citizen of Alabama. He is a current supervisor at the Dothan Facility and a former HR clerk at the Dothan Facility.

16. Defendant Elana Asyn is a citizen of Alabama. She is an HR clerk at the Dothan Facility.

17. Defendant Richard Jamison is a citizen of Georgia. He is the Complex Manager at the Perry Facility.

18. Defendant Jim Hungate is a citizen of Georgia. He is the HR Manager at the Perry Facility.

19. Defendant Amparo Herrera is a citizen of Georgia. He is an HR clerk at the Perry Facility.

20. Defendant Maria Salizar Gonzalez is a citizen of Georgia. She is a former HR clerk at the Perry Facility.

21. Defendant Jeff Beckman is a citizen of Tennessee. He is the Complex Manager at the Monterey Facility.

22. Defendant Jerry Layne is a citizen of Tennessee. He is the HR Manager at the Monterey Facility.

23. Defendant David Castro is a citizen of Tennessee. He is the former HR shift supervisor at the Monterey Facility.

24. Defendant Angie Woods is a citizen of Tennessee. She is an HR clerk at the Monterey Facility.

25. Defendant Julio Unzueta is a citizen of Tennessee. He is a former HR clerk at the Monterey Facility.

26. Defendant Ploala Beatty is a citizen of Tennessee. She is an HR Clerk at the Monterey Facility.

27. This Court has subject matter jurisdiction over this case as a federal question, pursuant to 28 U.S.C. § 1331 and 18 U.S.C. § 1964(c).

28. Venue is proper in this Court because one of the facilities is located in Dothan, Alabama, where Plaintiffs Bizzie Walters and Annie Hodge were employed and victimized by the Scheme.

### **FACTUAL ALLEGATIONS**

29. The Corporate Co-Conspirators have conspired with the Dothan Defendants, the Perry Defendants, the Monterey Defendants, and the Facility Co-Conspirators to approve and carry out the Illegal Immigrant

Hiring Scheme at Perdue's facilities, described more fully below. The Scheme saves Perdue millions of dollars in labor costs because illegal immigrants will work for extremely low wages, will typically not complain about workplace conditions and injuries, and because of their vulnerable situation, will accede to employer demands to work harder and longer hours than American citizens.

30. If the Defendants were not conspiring with the Corporate Co-Conspirators and Facility Co-Conspirators to hire large numbers of illegal immigrants at the Perdue Facilities, Perdue would have to pay the Plaintiffs and the Class significantly higher wages. Thus, the Scheme increases the profitability of Perdue and the amount of money each Defendant and the Co-Conspirators earn. The Scheme also enables Defendants to earn higher compensation than they would otherwise earn if Perdue were not illegally lowering its labor costs through the Scheme.

31. The Illegal Immigrant Hiring Scheme subverts the law against knowingly hiring illegal immigrants. This is done by directing the HR staff to falsely attest that illegal immigrants have presented genuine work authorization documents in order to facilitate their employment. The HR staff members are directed by their superiors to accept these false documents



and make these false attestations. Those HR superiors are, in turn, directed by their superiors in Perdue's corporate management to conduct their facility hiring in this manner so as to ensure that hundreds of illegal immigrants are hired. Thus, the Scheme emanates from the highest level of the Company down to the human resources clerks who interview job applicants at each of Perdue's facilities.

32. Defendants and the Co-Conspirators employ a variety of methods to accomplish the Scheme, including, but not limited to: 1) hiring workers who have previously been employed at Perdue under different identities; 2) hiring workers who are known to the Defendants and/or HR staff to be in the U.S. illegally and using false identity documents; 3) hiring workers who cannot speak English while claiming to be U.S. Citizens, fully aware of the requirement that naturalized U.S. citizens be conversant in English and that native Americans speak English; 4) hiring workers whose background information is plainly invalid and/or inconsistent on its face, indicating identity fraud; 5) hiring workers who use "dual identities" with different sets of documents to enable them to work double shifts; 6) falsely attesting under penalty of perjury on I-9 Forms issued by the U.S. Government that an employee's identification document(s) appears genuine

and relates to the person tendering them; and/or 7) coaching illegal aliens at the time of hire to claim a high numbers of dependents on their tax forms in order to reduce tax withholding as much as possible. (This is not intended to be an exhaustive list.)

33. Once illegal aliens are employed at Perdue, the Facility's management and HR staff will "tip off" the illegal aliens prior to any government raid or any rumor of a government raid to ensure that these workers are not arrested. For example, former Perdue employees have explained that on days when there are visits by the government or rumors of such visits/raids, the Perdue Facilities are noticeably emptier and many production lines are unable to run.

34. Additionally, supervisors, such as Defendant Alberto Asyn, frequently tell legal class members perceived to be underperforming that Mexicans work harder and/or threaten to replace them with new hires from "the tomato fields" (a euphemism for illegal workers) if they do not work harder.

35. Such hiring practices are in direct violation of the Immigration and Nationality Act and RICO, which makes the employment of illegal immigrants a predicate offense.

36. A majority of Perdue's hourly-paid workforce hired in the past four years falls into one or more of these categories identified in ¶ 32.

**THE RICO PREDICATE ACTS  
COMMITTED AGAINST THE PLAINTIFFS**

**A. Employment of 10 Illegal Aliens:**

37. Defendants Nancy Hollis, Alberto Asyn, Elana Asyn, Amparo Herrera, Maria Salizar Gonzalez, Angie Woods, Julio Unzueta, and Ploala Beatty personally violated 8 U.S.C. § 1324(a)(3)(A), a form of racketeering under 18 U.S.C. § 1961(1)(B):

Any person who, during any 12-month period, knowingly hires for employment at least 10 individuals with actual knowledge that the individuals are aliens...who [are]...unauthorized...and [have] been brought into the United States in violation of this subsection.

38. Defendants Hollis, Alberto Asyn, Elana Asyn, Herrera, Salizar Gonzalez, Woods, Unzueta, and Beatty personally violated this statute by hiring illegal aliens in the manner described above. Specifically, since 2006, they have personally hired hundreds of workers (and more than ten per year, each) with actual knowledge that the workers were unauthorized for employment, used identity documents that did not pertain to them, and had been brought into the country with the assistance of others on their illicit

journey across the U.S.-Mexico border and in obtaining false identity documents once here.

39. Their violations of § 1324(a)(3)(A) have been ongoing since 2006 and will not stop without judicial intervention.

**B. Use of False Attestations and False Documents**

40. Defendants Hollis, Alberto Asyn, Elana Asyn, Herrera, Salizar Gonzalez, Woods, Unzueta, and Beatty have also personally violated 18 U.S.C. § 1546(b) (1), (2), and (3), other forms of racketeering activity pursuant to 18 U.S.C. § 1961(1)(B):

Whoever uses--

(1) an identification document, knowing (or having reason to know) that the document was not issued lawfully for the use of the possessor,

(2) an identification document knowing (or having reason to know) that the document is false, or

(3) a false attestation, for the purpose of satisfying a requirement of section 274A(b) of the Immigration and Nationality Act, shall be fined under this title, imprisoned not more than 5 years, or both.

41. As described above, when completing I-9 Forms for newly hired hourly-workers, Defendants Hollis, Alberto Asyn, Elana Asyn,

Herrera, Salizar Gonzalez, Woods, Unzueta, and Beatty, routinely falsely attest, under penalty of perjury, the following:

I attest, under penalty of perjury, that I have examined the document(s) presented by the above-named employee, that the above-listed document(s) appear to be genuine and to relate to the employee named, that the employee began employment on *(month/date/year)* \_\_\_\_\_ and that to the best of my knowledge the employee is authorized to work in the United States.

42. In the case of illegal immigrants, this is a false attestation because the HR workers know those documents are fake/fraudulent, thus violating 18 U.S.C. § 1546(b)(3), a RICO predicate offense.

43. Defendants Hollis, Alberto Asyn, Elana Asyn, Herrera, Salizar Gonzalez, Woods, Unzueta, and Beatty have personally violated § 1546(b)(3) in this manner hundreds of times since 2006.

44. Additionally, Defendants Hollis, Alberto Asyn, Elana Asyn, Herrera, Salizar Gonzalez, Woods, Unzueta, and Beatty routinely accept fake and fraudulent identification and work authorization documents as part of the process of completing I-9 Forms, knowing that these documents were not issued legally for use by the possessor, thus violating 18 U.S.C. §§ 1546(b) (1) and (2).

45. Defendants Hollis, Alberto Asyn, Elana Asyn, Herrera, Salizar Gonzalez, Woods, Unzueta, and Beatty have personally violated §§ 1546(b) (1) and (2) in this manner hundreds of times since 2006.

46. Defendants Hollis, Alberto Asyn, Elana Asyn, Herrera, Salizar Gonzalez, Woods, Unzueta, and Beatty's violations of §§ 1546(b) (1), (2), and (3) have been ongoing since 2006, are continuous, open-ended, and will not stop without judicial intervention.

**COUNT ONE AGAINST THE DEFENDANTS  
FOR VIOLATIONS OF 18 U.S.C. §1962(d) –  
CONSPIRACY TO VIOLATE 18 U.S.C. § 1962(c)**

47. The preceding paragraphs are incorporated herein as though set forth in full.

48. Each of the Defendants conspired to carry out the Illegal Immigrant Hiring Scheme and the pattern of RICO predicate offenses described above.

49. The agreement by each Defendant to carry out the Scheme by their personal commission of RICO predicate acts, or that other members of the conspiracy will do so through the Perdue enterprise, violates 18 U.S.C. § 1962(d), a conspiracy to violate 18 U.S.C. § 1962(c). Each of the Defendants

constitutes a “person” within the meaning of 18 U.S.C. §§ 1961(3) and 1962(c).

50. At all relevant times, Perdue was a corporation operated by the Defendants and other Co-Conspirators, which affected interstate commerce. As such, it is a RICO enterprise pursuant to 18 U.S.C. §§ 1961(4).

51. All Defendants were responsible for carrying out their objectives of the Scheme at their respective Facilities, as directed by their superiors at Perdue, as described in detail below.

**A. The Scheme Is Carried Out at the Dothan, Alabama Facility by the Dothan Defendants with Approval from the Corporate Co-Conspirators**

52. The Illegal-Immigrant Hiring Scheme is carried out at Perdue’s Facility in Dothan, Alabama under the direction of Defendant McMahan with the assistance of Defendants Dozier, Hollis, Alberto Asyn, Elana Asyn, and other unnamed co-conspirators in Dothan’s HR Department. The Scheme utilizes some or all of the hiring policies described above.

53. As described above, Defendants Hollis, Alberto Asyn and Elana Asyn are responsible for personally hiring the illegal immigrants and for falsely attesting that those illegal immigrants’ work authorization/

identity documents are genuine. Defendants Hollis, Alberto Asyn, and Elana Asyn report directly to Defendant Dozier.

54. Defendant Dozier is the HR Manager at the Dothan Facility. He has authority over all hiring and firing decisions at the Dothan Facility. He reports directly to Defendant McMahan. As part of the Scheme, Defendant Dozier personally approved the hiring policies identified above. He observes the largely illegal workforce and knows most of these people are not U.S. citizens or lawful permanent residents; *i.e.*, they are ineligible for employment and have frequently used different names/identities to obtain employment. Defendant Dozier knows and approves of Defendants Hollis, Alberto Asyn, Elana Asyn, and the other Facility's HR staff's illegal hiring practices.

55. Additionally, Defendant Dozier is responsible for assisting Defendant McMahan and the Corporate Co-Conspirators in setting hourly wages for the Class which are depressed below market levels (the going rate for unskilled labor in the area by employers which do not employ illegal workers) because he knows that illegal immigrants will work for extremely low wages. But for the employment of these many illegal immigrants,



Defendants McMahan and Dozier and the co-conspirators would be required by market forces to pay higher wages to Class members.

56. Defendant McMahan is part of the management of the Dothan Facility. In his role in the Company he has approved of and assists in executing the illegal hiring policies above. He also assists in setting the depressed sub-market hourly wage levels at the Dothan Facility. He visits the plant and observes the largely illegal workforce and knows most of these people are not U.S. citizens or lawful permanent residents; *i.e.*, are ineligible for employment. Defendant McMahan knows and approves of the massive immigration law conspiracy committed by the Dothan Facility's HR staff in order to maintain this illegal workforce.

57. Defendant McMahan reports directly to the Corporate Co-Conspirators in Maryland, who approve of the illegal manner in which he runs the Dothan Facility.

58. In addition to utilizing some or all of the hiring policies described above, under the direction of Defendant McMahan, Defendant Alberto Asyn recruits large numbers of illegal workers from local trailer parks, such as La Vista Trailer Park (in or around Dothan, Alabama).

59. Others are part of the Conspiracy to facilitate the Scheme at the Dothan Facility. Defendants McMahan and Dozier have directed all of the Dothan Facility's HR personnel to conduct hiring in the manner described above, which results in the constant employment of illegal aliens.

60. Since 2006, the Dothan Defendants have conspired with the Corporate Co-Conspirators to commit a pattern of racketeering activity detailed above.

61. As a direct and proximate result of, and by reason of, the Defendants' agreement to implement and carry out the Scheme through the Perdue enterprise, the Plaintiffs have been injured in their property, within the meaning of 18 U.S.C. § 1964(c), by being paid depressed, below market wage rates.

62. The Defendants are able to attract legal workers, *i.e.*, the Class, to work for depressed wage rates at the Dothan Facility because of its size and power within the local labor market.

**B. The Scheme Is Carried Out at the Perry, Georgia Facility by the Perry Defendants with Approval from the Corporate Co-Conspirators**

63. The Illegal-Immigrant Hiring Scheme is carried out at Perdue's facility in Perry, Georgia under the direction of Defendant Richard Jamison,

with assistance of Defendants Jim Hungate, Amparo Herrera, Maria Salizar Gonzalez, and other unnamed co-conspirators in Perry's HR Department. The Scheme utilizes some or all of the hiring policies described above.

64. As described above, Defendants Herrera and Salizar Gonzalez are responsible for personally hiring the illegal aliens and for falsely attesting that their work authorization/identity documents were genuine and related to them.

65. Defendants Herrera and Salizar Gonzalez report directly to Defendant Jim Hungate.

66. Defendant Hungate is the current HR Manager at the Perry Facility. He has authority over all hiring and firing decisions at the Perry Facility. He reports directly to Defendant Jamison. As part of the Scheme, Defendant Hungate personally approved the hiring policies identified above, observes the largely illegal workforce and knows most of these people are not U.S. citizens or lawful permanent residents; *i.e.*, they are ineligible for employment and have frequently used different names/identities to obtain employment. Defendant Hungate knows and approves of Defendants Salizar Gonzalez, Herrera, and the other Perry Facility's HR staff's illegal hiring practices.

67. Additionally, Defendant Hungate is responsible for assisting Defendant Jamison and the Corporate Co-Conspirators in setting hourly wages for the Class, which are depressed below market levels (the going rate for unskilled labor in the area by employers which do not employ illegal workers) because he knows that illegal immigrants will work for extremely low wages. But for the employment of these many illegal immigrants, Defendants Hungate and Jamison, and the Co-Conspirators, would be required by market forces to pay higher wages to Class members.

68. Defendant Jamison is part of the management of the Perry Facility. In his role in the Company he has approved of, and assists in, executing the illegal hiring policies above. He also assists in setting the depressed sub-market hourly wage levels at the Perry Facility. He visits the plants and observes the largely illegal workforce and knows most of these people are not U.S. citizens or lawful permanent residents; *i.e.*, are ineligible for employment. Defendant Jamison knows and approves of the massive immigration law Conspiracy committed by the Perry Facility's HR Staff in order to maintain this illegal workforce.

69. Defendant Jamison reports directly to the Corporate Co-Conspirators, who approve of the illegal manner in which he runs the Perry Facility.

70. Others are part of the Conspiracy to facilitate the Scheme at the Perry Facility. Defendant Jamison has directed all of the Perry Facility's HR personnel to conduct hiring in the manner described above, which results in the constant employment of illegal aliens.

71. Since 2006, the Perry Defendants have conspired with the Corporate Co-Conspirators to commit a pattern of racketeering activity detailed above.

72. As a direct and proximate result of, and by reason of, the Defendants' agreement to implement and carry out the Scheme through the Perdue enterprise, the Plaintiffs have been injured in their business or property within the meaning of 18 U.S.C. § 1964(c) by being paid depressed, below market wage rates.

73. The Defendants are able to attract legal workers, *i.e.*, the Class, to work for depressed wage rates at the Perry Facility because of its size and power within the local labor market.

C. **The Scheme Is Carried Out at the Monterey, Tennessee Facility by the Monterey Defendants with Approval from the Corporate Co-Conspirators**

74. The Illegal-Immigrant Hiring Scheme is carried out at Perdue's facility in Monterey, Tennessee under the direction of Defendant Jeff Beckman, with the assistance of Defendants Jerry Layne, David Castro, Angie Woods, Julio Unzueta, Ploala Beatty, and other unnamed Co-Conspirators in Monterey's HR department. The Scheme utilizes some or all of the hiring policies described above.

75. As described above, Defendants Woods, Unzueta, and Beatty are responsible for personally hiring the illegal aliens and for falsely attesting that their work authorization/identity documents were genuine and related to them.

76. Defendants Woods, Unzueta, and Beatty report directly to Defendants Layne and Castro.

77. Defendant Layne is the Human Resources Manager at the Monterey Facility. He has authority over all hiring and firing decisions at the Monterey Facility. He reports directly to Defendant Beckman. As part of the Scheme, Defendant Layne personally approved the hiring policies identified above, is aware of the largely illegal workforce, and knows most

of these people are not U.S. citizens or lawful permanent residents; *i.e.*, they are ineligible for employment and have frequently used different names/identities to obtain employment. Defendant Layne knows and approves of Defendants Woods, Unzueta, Beatty, and the other Monterey Facility's HR staff's illegal hiring practices. He also approves of the illegal practices committed by Defendant David Castro, described below.

78. Additionally, Defendant Layne is responsible for assisting Defendant Beckman and the Corporate Co-Conspirators in setting hourly wages for the Class, which are depressed below market levels (the going rate for unskilled labor in the area by employers which do not employ illegal workers) because he knows that illegal immigrants will work for extremely low wages. But for the employment of these many illegal immigrants, Defendants Beckman and Layne and the Co-Conspirators would be required by market forces to pay higher wages to Class members.

79. Defendant Beckman is part of the management of the Monterey Facility. In his role in the Company, he has approved of and assists in executing the illegal hiring policies above. He also assists in setting the depressed sub-market hourly wage levels at the Monterey Facility. He visits the plant and observes the largely illegal workforce and knows most of these

people are not U.S. citizens or lawful permanent residents; *i.e.*, are ineligible for employment. Defendant Beckman knows and approves of the massive immigration law conspiracy committed by the Monterey Facility's HR Staff in order to maintain this illegal workforce.

80. Defendant Beckman reports directly to the Corporate Co-Conspirators, who approve of the illegal manner in which he runs the Monterey Facility.

81. In addition to utilizing some or all of the hiring policies described above, under the direction of Defendant Beckman, Defendants Castro and Unzueta recruit large numbers of illegal workers to staff the Monterey Facility.

82. Additionally, in exchange for money, Defendant Unzueta assists illegal workers in obtaining fake/fraudulent identification/work authorization documents in order to facilitate their employment at the Monterey Facility.

83. Others are part of the Conspiracy to facilitate the Scheme at the Monterey Facility. Defendants Beckman and Layne have directed all of the Monterey Facility's HR personnel to conduct hiring in the manner described



above, which results in the constant and systematic employment of illegal aliens.

84. Since 2006, the Monterey Defendants have conspired with the Corporate Co-Conspirators to commit a pattern of racketeering activity detailed above.

85. As a direct and proximate result of, and by reason of, the Defendants' agreement to implement and carry out the Scheme through the Perdue enterprise, the Plaintiffs have been injured in their business or property within the meaning of 18 U.S.C. § 1964(c) by being paid depressed, below market wage rates.

86. The Defendants are able to attract legal workers, *i.e.*, the Class, to work for depressed wage rates at the Monterey Facility because of its size and power within the local labor market.

**D. The Scheme Is Carried out at the Accomac, Virginia Facility by the Facility Co-Conspirators with Approval from the Corporate Co-Conspirators**

87. On information and belief, the Illegal-Immigrant Hiring Scheme is carried out at Perdue's facility in Accomac, Virginia under the direction of the Facility Co-Conspirators. The Scheme utilizes some or all of the hiring policies described above.

88. On information and belief, since 2006, the Facility Co-Conspirators have conspired with the Corporate Co-Conspirators to commit a pattern of racketeering activity detailed above at the Accomac Facility.

89. As a direct and proximate result of, and by reason of, the Facility Co-Conspirators' agreement to implement and carry out the Scheme through the Perdue enterprise, the Plaintiffs have been injured in their property, within the meaning of 18 U.S.C. § 1964(c), by being paid depressed, below market, wage rates.

90. The Facility Co-Conspirators are able to attract legal workers, *i.e.*, the Class, to work for depressed wage rates at the Accomac Facility because of its size and power within the local labor market.

**E. The Scheme Is Carried out at the Bridgewater, Virginia Facility by the Facility Co-Conspirators with Approval from the Corporate Co-Conspirators**

91. On information and belief, the Illegal-Immigrant Hiring Scheme is carried out at Perdue's facility in Bridgewater, Virginia under the direction of the Facility Co-Conspirators. The Scheme utilizes some or all of the hiring policies described above.

92. On information and belief, since 2006, the Facility Co-Conspirators have conspired with the Corporate Co-Conspirators to commit a pattern of racketeering activity detailed above at the Bridgewater Facility.

93. As a direct and proximate result of, and by reason of, the Facility Co-Conspirators' agreement to implement and carry out the Scheme through the Perdue enterprise, the Plaintiffs have been injured in their property, within the meaning of 18 U.S.C. § 1964(c), by being paid depressed, below market wage rates.

94. The Facility Co-Conspirators are able to attract legal workers, *i.e.*, the Class, to work for depressed wage rates at the Bridgewater Facility because of its size and power within the local labor market.

**F. The Scheme Is Carried out at the Concord, North Carolina Facility by the Facility Co-Conspirators with Approval from the Corporate Co-Conspirators**

95. On information and belief, the Illegal-Immigrant Hiring Scheme is carried out at Perdue's facility in Concord, North Carolina under the direction of the Facility Co-Conspirators. The Scheme utilizes some or all of the hiring policies described above.

96. On information and belief, since 2006, the Facility Co-Conspirators have conspired with the Corporate Co-Conspirators to commit a pattern of racketeering activity detailed above at the Concord Facility.

97. As a direct and proximate result of, and by reason of, the Facility Co-Conspirators' agreement to implement and carry out the Scheme through the Perdue enterprise, the Plaintiffs have been injured in their property, within the meaning of 18 U.S.C. § 1964(c), by being paid depressed, below market wage rates.

98. The Facility Co-Conspirators are able to attract legal workers, *i.e.*, the Class, to work for depressed wage rates at the Concord Facility because of its size and power within the local labor market.

**G. The Scheme Is Carried out at the Cromwell, Kentucky Facility by the Facility Co-Conspirators with Approval from the Corporate Co-Conspirators**

99. On information and belief, the Illegal-Immigrant Hiring Scheme is carried out at Perdue's facility in Cromwell, Kentucky under the direction of the Facility Co-Conspirators. The Scheme utilizes some or all of the hiring policies described above.

100. On information and belief, since 2006, the Facility Co-Conspirators have conspired with the Corporate Co-Conspirators to commit a pattern of racketeering activity detailed above at the Cromwell Facility.

101. As a direct and proximate result of, and by reason of, the Facility Co-Conspirators' agreement to implement and carry out the Scheme through the Perdue enterprise, the Plaintiffs have been injured in their property, within the meaning of 18 U.S.C. § 1964(c), by being paid depressed, below market wage rates.

102. The Facility Co-Conspirators are able to attract legal workers, *i.e.*, the Class, to work for depressed wage rates at the Cromwell Facility because of its size and power within the local labor market.

**H. The Scheme Is Carried out at the Dillon, South Carolina Facility by the Facility Co-Conspirators with Approval from the Corporate Co-Conspirators**

103. On information and belief, the Illegal-Immigrant Hiring Scheme is carried out at Perdue's facility in Dillon, South Carolina under the direction of the Facility Co-Conspirators. The Scheme utilizes some or all of the hiring policies described above.

104. On information and belief, since 2006, the Facility Co-Conspirators have conspired with the Corporate Co-Conspirators to commit a pattern of racketeering activity detailed above at the Dillon Facility.

105. As a direct and proximate result of, and by reason of, the Facility Co-Conspirators' agreement to implement and carry out the Scheme through the Perdue enterprise, the Plaintiffs have been injured in their business or property, within the meaning of 18 U.S.C. § 1964(c), by being paid depressed, below market wage rates.

106. The Facility Co-Conspirators are able to attract legal workers, *i.e.*, the Class, to work for depressed wage rates at the Dillon Facility because of its size and power within the local labor market.

**I. The Scheme Is Carried out at the Fayetteville, North Carolina Facility by the Facility Co-Conspirators with Approval from the Corporate Co-Conspirators**

107. On information and belief, the Illegal-Immigrant Hiring Scheme is carried out at Perdue's facility in Fayetteville, North Carolina under the direction of the Facility Co-Conspirators. The Scheme utilizes some or all of the hiring policies described above.

108. On information and belief, since 2006, the Facility Co-Conspirators have conspired with the Corporate Co-Conspirators to commit a pattern of racketeering activity detailed above at the Fayetteville Facility.

109. As a direct and proximate result of, and by reason of, the Facility Co-Conspirators' agreement to implement and carry out the Scheme through the Perdue enterprise, the Plaintiffs have been injured in their business or property, within the meaning of 18 U.S.C. § 1964(c), by being paid depressed, below market wage rates.

110. The Facility Co-Conspirators are able to attract legal workers, *i.e.*, the Class, to work for depressed wage rates at the Fayetteville Facility because of its size and power within the local labor market.

**J. The Scheme Is Carried out at the Georgetown, Delaware Facility by the Facility Co-Conspirators with Approval from the Corporate Co-Conspirators**

111. On information and belief, the Illegal-Immigrant Hiring Scheme is carried out at Perdue's facility in Georgetown, Delaware under the direction of the Facility Co-Conspirators. The Scheme utilizes some or all of the hiring policies described above.

112. On information and belief, since 2006, the Facility Co-Conspirators have conspired with the Corporate Co-Conspirators to commit a pattern of racketeering activity detailed above at the Georgetown Facility.

113. As a direct and proximate result of, and by reason of, the Facility Co-Conspirators' agreement to implement and carry out the Scheme through the Perdue enterprise, the Plaintiffs have been injured in their business or property, within the meaning of 18 U.S.C. § 1964(c), by being paid depressed, below market wage rates.

114. The Facility Co-Conspirators are able to attract legal workers, *i.e.*, the Class, to work for depressed wage rates at the Georgetown Facility because of its size and power within the local labor market.

**K. The Scheme Is Carried out at the Lewiston, North Carolina Facility by the Facility Co-Conspirators with Approval from the Corporate Co-Conspirators**

115. On information and belief, the Illegal-Immigrant Hiring Scheme is carried out at Perdue's facility in Lewiston, North Carolina under the direction of the Facility Co-Conspirators. The Scheme utilizes some or all of the hiring policies described above.



116. On information and belief, since 2006, the Facility Co-Conspirators have conspired with the Corporate Co-Conspirators to commit a pattern of racketeering activity detailed above at the Lewiston Facility.

117. As a direct and proximate result of, and by reason of, the Facility Co-Conspirators' agreement to implement and carry out the Scheme through the Perdue enterprise, the Plaintiffs have been injured in their business or property, within the meaning of 18 U.S.C. § 1964(c), by being paid depressed, below market wage rates.

118. The Facility Co-Conspirators are able to attract legal workers, *i.e.*, the Class, to work for depressed wage rates at the Lewiston Facility because of its size and power within the local labor market.

**L. The Scheme Is Carried out at the Milford, Delaware Facility by the Facility Co-Conspirators with Approval from the Corporate Co-Conspirators**

119. On information and belief, the Illegal-Immigrant Hiring Scheme is carried out at Perdue's facility in Milford, Delaware under the direction of the Facility Co-Conspirators. The Scheme utilizes some or all of the hiring policies described above.

120. On information and belief, since 2006, the Facility Co-Conspirators have conspired with the Corporate Co-Conspirators to commit a pattern of racketeering activity detailed above at the Milford Facility.

121. As a direct and proximate result of, and by reason of, the Facility Co-Conspirators' agreement to implement and carry out the Scheme through the Perdue enterprise, the Plaintiffs have been injured in their business or property, within the meaning of 18 U.S.C. § 1964(c), by being paid depressed, below market wage rates.

122. The Facility Co-Conspirators are able to attract legal workers, *i.e.*, the Class, to work for depressed wage rates at the Milford Facility because of its size and power within the local labor market.

**M. The Scheme Is Carried out at the Rockingham, North Carolina Facility by the Facility Co-Conspirators with Approval from the Corporate Co-Conspirators**

123. On information and belief, the Illegal-Immigrant Hiring Scheme is carried out at Perdue's facility in Rockingham, North Carolina under the direction of the Facility Co-Conspirators. The Scheme utilizes some or all of the hiring policies described above.

124. On information and belief, since 2006, the Facility Co-Conspirators have conspired with the Corporate Co-Conspirators to commit a pattern of racketeering activity detailed above at the Rockingham Facility.

125. As a direct and proximate result of, and by reason of, the Facility Co-Conspirators' agreement to implement and carry out the Scheme through the Perdue enterprise, the Plaintiffs have been injured in their business or property, within the meaning of 18 U.S.C. § 1964(c), by being paid depressed, below market wage rates.

126. The Facility Co-Conspirators are able to attract legal workers, *i.e.*, the Class, to work for depressed wage rates at the Rockingham Facility because of its size and power within the local labor market.

N. **The Scheme Is Carried out at the Salisbury, Maryland Facility by the Facility Co-Conspirators with Approval from the Corporate Co-Conspirators**

127. On information and belief, the Illegal-Immigrant Hiring Scheme is carried out at Perdue's facility in Salisbury, Maryland under the direction of Facility Co-Conspirators. The Scheme utilizes some or all of the hiring policies described above.

128. On information and belief, since 2006, the Facility Co-Conspirators have conspired with the Corporate Co-Conspirators to commit a pattern of racketeering activity detailed above at the Salisbury Facility.

129. As a direct and proximate result of, and by reason of, the Facility Co-Conspirators' agreement to implement and carry out the Scheme through the Perdue enterprise, the Plaintiffs have been injured in their business or property, within the meaning of 18 U.S.C. § 1964(c), by being paid depressed, below market wage rates.

130. The Facility Co-Conspirators are able to attract legal workers, *i.e.*, the Class, to work for depressed wage rates at the Salisbury Facility because of its size and power within the local labor market.

**O. The Scheme Is Carried out at the Showell, Maryland Facility by the Facility Co-Conspirators with Approval from the Corporate Co-Conspirators**

131. On information and belief, the Illegal-Immigrant Hiring Scheme is carried out at Perdue's facility in Showell, Maryland under the direction of Facility Co-Conspirators. The Scheme utilizes some or all of the hiring policies described above.

132. On information and belief, since 2006, the Facility Co-Conspirators have conspired with the Corporate Co-Conspirators to commit a pattern of racketeering activity detailed above at the Showell Facility.

133. As a direct and proximate result of, and by reason of, the Facility Co-Conspirators' agreement to implement and carry out the Scheme through the Perdue enterprise, the Plaintiffs have been injured in their business or property, within the meaning of 18 U.S.C. § 1964(c), by being paid depressed, below market wage rates.

134. The Facility Co-Conspirators are able to attract legal workers, *i.e.*, the Class, to work for depressed wage rates at the Showell Facility because of its size and power within the local labor market.

**P. The Scheme Is Carried out at the Washington, Indiana Facility by the Facility Co-Conspirators with Approval from the Corporate Co-Conspirators**

135. On information and belief, the Illegal-Immigrant Hiring Scheme is carried out at Perdue's facility in Washington, Indiana under the direction of the Facility Co-Conspirators. The Scheme utilizes some or all of the hiring policies described above.

136. On information and belief, since 2006, the Facility Co-Conspirators have conspired with the Corporate Co-Conspirators to commit a pattern of racketeering activity detailed above at the Washington Facility.

137. As a direct and proximate result of, and by reason of, the Facility Co-Conspirators' agreement to implement and carry out the Scheme through the Perdue enterprise, the Plaintiffs have been injured in their business or property, within the meaning of 18 U.S.C. § 1964(c), by being paid depressed, below market wage rates.

138. The Facility Co-Conspirators are able to attract legal workers, *i.e.*, the Class, to work for depressed wage rates at the Washington Facility because of its size and power within the local labor market.

**THE DEFENDANTS HAVE VIOLATED 18 U.S.C. § 1962(d)  
AND WILL CONTINUE TO DO SO INDEFINITELY**

139. The Conspiracy between the Corporate Co-Conspirators, the Defendants, and the Facility Co-Conspirators, to perpetrate the Scheme, is a violation of 18 U.S.C. § 1962(d), an agreement among Defendants and their Co-Conspirators to violate § 1962(c) by participating in the affairs of Perdue (the enterprise) through a pattern of racketeering activity.

140. The Scheme is ongoing, open-ended, and has been perpetrated continuously for the last four years. It will not stop without judicial intervention.

141. Defendants are subject to joint and several liability for all of the damage caused by all the racketeering acts committed by any of them and their Co-Conspirators.

**THE LEGALLY AUTHORIZED HOURLY-PAID  
EMPLOYEES ARE THE DIRECT VICTIMS OF THE SCHEME**

142. The underlying predicate acts of the Illegal Immigrant Hiring Scheme at each of Perdue's Facilities, the hiring of illegal immigrants and the false attestation that the illegal immigrants are presenting genuine work authorization/identity documents, are a substantial and direct factor in causing the depressed wages about which the Plaintiffs, and the other legally authorized hourly workers at Perdue, complain. No other party has been damaged by the Scheme.

**CLASS ALLEGATIONS**

143. This action is brought and may be maintained as a class action pursuant to Fed. R. Civ. P. 23(b)(3). Plaintiffs bring this action on behalf of themselves, and all other persons legally authorized to be employed in the U.S., who have been employed at any of the Perdue facilities identified

herein, as hourly wage earners in the four years prior to the filing of this case (“the Class” or “Class Members”) and up through trial.

144. The Class is so numerous that joinder of all Class Members is impracticable. The actual number can be ascertained through discovery of Perdue’s records, but is in the hundreds or (likely) thousands.

145. Among the questions of fact and law that are common to the Class are:

- i. Whether Defendants have been and are currently engaged in the Illegal Immigrant Hiring Scheme in order to depress wages of the Class in violation of 8 U.S.C. § 1324(a)(3)(A) and 18 U.S.C. § 1546(b)?;
- ii. Whether the Defendants conspired with each other (and the Corporate and the Facility Co-Conspirators) to carry out the Illegal Immigrant Hiring Scheme at Perdue?;
- iii. Whether the Defendants and their Co-Conspirators have committed the Illegal Immigrant Hiring Scheme through the Perdue enterprise?;
- iv. Whether the individual illegal acts of hiring and false attestations comprising the Illegal Immigrant Hiring Scheme constitute a “pattern of racketeering activity” as required by RICO?; and
- v. Whether, and to what extent, the Illegal Immigrant Hiring Scheme has caused Class Members’ wages to be depressed?



146. Plaintiffs' claims are typical of those of the members of the Class inasmuch as their damages were directly and proximately caused by the Illegal Immigrant Hiring Scheme. Plaintiffs seek no relief that is antagonistic or adverse to other Class Members.

147. Plaintiffs are committed to the vigorous prosecution of this action and have retained counsel who are competent in the prosecution of RICO cases generally, and this legal theory in particular. Accordingly, they and their counsel will fairly and adequately protect and represent the interests of the Class.

148. Questions of law or fact that are common to the members of the Class are substantially similar and predominate over any questions affecting only individual Class members, and a class action is the superior method for the fair and efficient adjudication of this controversy.

149. Plaintiffs anticipate no difficulty in the management of this action because the evidence proving the Illegal Immigrant Hiring Scheme is ascertainable through discovery, and the identities of the Class Members are known to the Defendants, the Facility Co-Conspirators, the Corporate Co-Conspirators, and Perdue. Damages can be calculated through expert testimony.

### **PRAYER FOR RELIEF**

150. WHEREFORE, Plaintiffs request their appointment as Class representatives and demand judgment and other relief, as follows:

151. Certification of the Class pursuant to Fed. R. Civ. P. 23(b)(3) and appointment of Foster P.C. and Motley Rice LLC as lead counsel for the class and Jacoby and Meyers, LLC its associated counsel as additional counsel for the class.

152. Judgment in an amount equal to three times the damages caused to the Class by the Defendants' racketeering activity pursuant to 18 U.S.C. § 1964(c);

153. For appropriate attorney's fees, pursuant to 18 U.S.C. § 1964;


154. For the costs of this action;

155. For a jury trial;

156. For preliminary and permanent injunctions against the Defendants and their Co-Conspirators from perpetrating the Illegal Immigrant Hiring Scheme and further racketeering activity through the Perdue enterprise and to require them to terminate the employment of all illegal immigrants from Perdue.

157. For any other relief the Court deems just and proper.

Dated: March 22, 2010

  
Lance H. Swanner  
Alabama SJIS #SWA013  
[lance.swanner@jacobymeyers.com](mailto:lance.swanner@jacobymeyers.com)

**JACOBY & MEYERS, LLC**  
111 E. Main Street  
P. O. Box 5551  
Dothan, AL 36302  
(334) 794-8000 – Phone  
(334) 699-6885 – Facsimile

Howard W. Foster  
Illinois Bar No. 6201218  
[hfooster@fosterpc.com](mailto:hfooster@fosterpc.com)  
Matthew A. Galin  
Illinois Bar No. 6282920  
[mgalin@fosterpc.com](mailto:mgalin@fosterpc.com)  
**FOSTER, P.C.**  
55 West Wacker Drive, 14<sup>th</sup> Floor  
Chicago, Illinois 60601  
(312) 372-2209 – Phone  
(866) 470-5738 – Facsimile

William H. Narwold  
South Carolina Bar No. 73977  
[bnarwold@motleyrice.com](mailto:bnarwold@motleyrice.com)

Rebecca P. Merritt  
Alabama SJIS # MER029  
[rmerritt@motleyrice.com](mailto:rmerritt@motleyrice.com)

Lance Oliver  
Alabama SJIS #  
[loliver@motleyrice.com](mailto:loliver@motleyrice.com)

**MOTLEY RICE, LLC**  
28 Bridgeside Blvd  
Mt. Pleasant, SC 29464  
843.216.9219 – Phone  
843.216.9450 – Facsimile

*Attorneys for Plaintiffs*