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PRESS RELEASE

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CRLA and Legal Aid at Work Obtain Million-Dollar Settlement in Case Protecting Countless Workers From Retaliation

Settlement Ensures that Groundbreaking Ninth Circuit Decision Remains Good Law

January 14, 2019 (Stockton, CA)—After successfully appealing his case to the U.S. Court of Appeals for the Ninth Circuit, a dairy worker has just dismissed his case against his former employer's attorney for retaliating against him when he asserted his workplace rights, after securing a million-dollar settlement.

This settlement is the conclusion of a twelve-year-long journey for justice for José Arias. A milker at Angelo Dairy in Acampo (San Joaquin County), Mr. Arias sued his employer in 2006 for unpaid wages and related employment law violations. That lawsuit made it all the way to the California Supreme Court, where Mr. Arias won an important procedural ruling before the case was sent back to the trial court for further proceedings.

But rather than simply defend the lawsuit (and as described in detail in his federal complaint), Angelo Dairy's attorney, Anthony Raimondo, took the outrageous step of contacting Immigration and Customs Enforcement (ICE) and trying to get Mr. Arias deported at the time and place set for his deposition, stating that Mr. Arias "will be attending a deposition next week. If there is an interest in apprehending him, please let me know so that we can make the necessary arrangements."

Mr. Arias, represented by California Rural Legal Assistance, Inc. (CRLA) and Legal Aid at Work, subsequently sued Angelo Dairy and its attorney, Mr. Raimondo, for this misconduct. This new lawsuit argued that the attorney's alleged actions in trying to get his client's employee deported for asserting his workplace rights would constitute unlawful retaliation under federal employment law. In a landmark ruling last year, the U.S. Court of Appeals for the Ninth Circuit agreed with Mr. Arias—setting a legal precedent that protects countless workers from retaliation when they assert their workplace rights, even if that retaliation is carried out by someone (like an

attorney) who may not technically be the “employer” for all purposes but was nevertheless acting in the employer’s interest.

The settlement reached and today’s dismissal ensure that the Ninth Circuit’s earlier groundbreaking ruling protecting workers from retaliation remains good law.

“This victory has been a long time coming,” said José Arias, “but I am glad that we were able to hold attorney Raimondo accountable for his misdeeds and I’m happy that my case will help other workers.”

“This case reminds employers and their counsel, that using dirty retaliatory tactics, instead of playing by the rules, will not be overlooked,” said Blanca Bañuelos, Mr. Arias’s attorney and a lawyer with CRLA. “As attorneys, we zealously advocate for our clients, but as the Ninth Circuit reminded us here there are lines that should not be crossed.”

“This case is especially important for undocumented workers, who have—almost without exception—the same employment rights of all workers,” said Christopher Ho, Director of the National Origin and Immigrants’ Rights Program at Legal Aid at Work and one of Mr. Arias’s attorneys in this case. “It ensures that employers can’t game the system by cheating employees and then turning around and threatening to have the employees deported when they stand up for their basic rights.”

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California Rural Legal Assistance Inc. | www.crla.org

Founded in 1966, CRLA’s mission is to fight for justice and individual rights alongside the most exploited communities of our society. Through a network of regional offices and cross-cutting programs, CRLA provides legal services to over 50,000 low-income people annually. Our work impacts farmworkers, individuals with disabilities, immigrant populations, LGBT communities, women, children and families in rural areas.

Legal Aid at Work | www.legalaidatwork.org

Legal Aid at Work is a nonprofit legal services organization that has been assisting low-income, working families for more than 100 years. Its programs conduct outreach, provide direct legal services to thousands of people each year, engage in litigation, and advocate for policies that strengthen the rights of low-wage workers and their communities.