



PRESS RELEASE

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CRLA and Legal Aid at Work Win Landmark Ninth Circuit Ruling

Court decision affirms federal protection against retaliation for workers who exercise their rights

SAN FRANCISCO (Thurs., June 22) — The Ninth U.S. Circuit Court of Appeals issued a landmark ruling today in favor of Jose Arias, a dairy worker who had sued his former employer’s attorney alleging retaliation under the Fair Labor Standards Act (FLSA).

Mr. Arias initially sued the employer, Angelo Dairy in Acampo, California in San Joaquin County, in 2006, alleging it had failed to pay him overtime, denied him meal and rest breaks, and failed to pay him all the wages he was owed.

Lawyer Anthony Raimondo, who represented Angelo Dairy in that case, reported Mr. Arias to U.S. Immigration and Customs Enforcement (ICE) in an attempt to remove him from the United States shortly before the scheduled trial date in 2011. Represented by Legal Aid at Work and California Rural Legal Assistance, Mr. Arias sued Raimondo in the Eastern District Court of California in 2013, alleging that Mr. Raimondo, acting as an agent for the dairy, retaliated against Mr. Arias for filing the initial lawsuit.

FLSA’s purpose is to protect the most vulnerable workers in our country. In this decision, the Ninth Circuit reaffirmed that purpose, reminding that the FLSA is “remedial and humanitarian in purpose.” The court affirmed the right of all workers to be free from retaliation, regardless of their immigration status. This case makes it clear that FLSA provides that “any person,” not just actual employers, can be held liable if they choose to retaliate against workers who stand up for their rights.



“This has taken a long time, but I am glad the court agreed that what the attorney did was wrong.” Mr. Arias said Thursday. “I hope that what happened to me does not happen to other workers.”

“Today’s decision is a victory for workers across the country. It’s common for employers to retaliate against workers who stand up for themselves as they are viewed as trouble makers. We hope this decision helps workers come forward and reminds employers, their attorneys, and others acting on their behalf that there are consequences if they choose to retaliate against workers,” said attorney Blanca A. Bañuelos of CRLA.

“This ruling vindicates Mr. Arias and other courageous workers who stand up for their rights,” said Skadden Fellow Stacy Villalobos, an attorney with Legal Aid at Work. “Especially since the 2016 election, we’ve witnessed a disturbing uptick in incidents of immigration-related retaliation against workers who are immigrants — or who are incorrectly perceived as immigrants. We hope the decision sends a clear signal that retaliation against workers — no matter who is the retaliator — is against the law.”

[CLICK HERE FOR A COPY OF THE DECISION](#)

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:

Legal Aid at Work (formerly Legal Aid Society-Employment Law Center) delivers on the promise of justice for low-income people. We provide free direct services through our clinics and helplines. We offer extensive legal information online and in trainings, we litigate individual and class actions, and we advocate for new policies and laws. Details: www.legalaidatwork.org.