

PRESS RELEASE

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**Migrant Tree Planters Win Again:
Forestry Contractor Shut Down and Owner Forced into Bankruptcy,
Guestworkers Win Record \$11.8 Million Judgment**

Atlanta, Georgia. – A federal judge in Atlanta has entered judgment for more than \$11 million against Eller & Sons Trees, Inc. and company owner Jerry Eller. This decision resolves the latest case in a long-running campaign by foreign guestworkers who say they were cheated out of the wages they earned planting trees for the forestry industry. This judgment follows a 2010 settlement of similar claims by another group of guestworkers against Arkansas-based Superior Forestry Services, Inc. for \$2.75 million. In both cases, foreign guestworkers toiled throughout the southeastern United States planting pine seedlings. They entered the country legally under the H-2B guestworker visa program.

This most recent judgment, in favor of a class of more than 4000 guestworkers from Mexico and Guatemala, is believed to be the largest judgment ever won by guestworkers in the United States.

The Legal Aid Justice Center, the Southern Poverty Law Center (SPLC), and private attorney Brian Spears of Atlanta, Georgia filed the case, *De Leon Granados v. Eller and Sons Trees, Inc.*, in the U.S. District Court for the Northern District of Georgia. At the time the lawsuit was filed, Eller & Sons Trees, Inc. was one of the largest forestry contractors in the United States. Senior U.S. District Judge Clarence Cooper entered the judgment on October 29, 2012.

“This judgment sends a powerful message that not only do guestworkers have rights, but they can defend those rights,” said Jim Knoepp, Senior Attorney with the SPLC’s Immigrant Justice Project. “Employers who violate the rights of guestworkers will be held accountable.”

The SPLC’s 2007 report *Close to Slavery* documents rampant wage violations, recruitment abuses, seizure of identity documents and squalid living conditions in the H-2B guestworker program. Guestworkers, whose visas do not allow them to change jobs, typically have little recourse if they are exploited. “Our pay would come out to approximately \$25 for a 12-hour workday,” said plaintiff Escolastico De Leon Granada in the report. “At the end of the season, I had only saved \$500 to send home to my family.”

Prior to the lawsuit, the U.S. Department of Labor had investigated and fined Eller and Sons multiple times for violating employment regulations, but continued to grant the company approval to use the guestworker program anyway.

“Guestworker programs that tie the worker to one employer are ripe for abuse,” said Tim Freilich, an attorney with the Legal Aid Justice Center in Virginia. “The extent of the abuse in this case cries out for comprehensive immigration reform on the federal level, instead of continued reliance on failed guestworker programs.”

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Legal Aid Justice Center is a private, non-profit, legal assistance program based in Charlottesville, Virginia, with offices in Richmond, Petersburg, and Falls Church.